

ICHIFUJI *et al.*, 09/418,822RCE  
Amdt. dated 5 May 2005  
Reply to OA mailed 27 January 2005

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### REMARKS

This Amendment is responsive to the Office Action identified above and below, and in any other manner indicated below.

### PENDING CLAIMS

Claims 42-65 were pending for consideration and examination in this application. Appropriate claims have been amended in order to slightly broaden a scope of the claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 42-65 remain pending for further consideration and examination in this application.

### REJECTION UNDER 35 USC §103

The 35 USC §103 rejection of Claims 42-65 as being unpatentable over Lawler *et al.* (U.S. Patent 5,585,838) in view of Alten *et al.* (U.S. Patent 5,781,246), and further in view of the VideoGuide User's Manual, Part # 030-10011, Revision 1.0, 1995 (page 12), is respectfully traversed. Applicant respectfully submits the following to traverse such rejection.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. In particular, Applicant respectfully repeats and incorporates Applicant's prior assertions (per a European Patent Office (EPO) Opposition Decision) that the

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newly-cited reference VideoGuide User's Manual is not valid prior art (due to an unproven date/publication), and even if available, the VideoGuide User's Manual is not logically combinable with Lawler *et al.* to arrive at Applicant's invention.

Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Applicant's independent claims have been further clarified to recite, for example (independent Claim 42), a digital broadcasting receiver including "an omission display controller which compares a number of characters in the received character information of the particular extended program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period of the grid, and omits a part of a character information of a particular extended program when a number of characters in the received character information of the particular extended program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period of the grid". The cited Lawler *et al.*/Alten *et al.*/VideoGuide User's Manual references further fail to teach or suggest Applicant's claimed combination invention, in that none of such references teach any type of comparator or comparing process which compares a number of characters of an extended program information with the number of characters which can be displayed within a first prescribed zone (e.g., block). More particularly, at minimum, the Lawler *et al.*/Alten *et al.*/VideoGuide User's Manual references are each fatally vague.

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More specifically, the prior Office Action comments appear to contend that Lawler *et al.*'s FIGS. 1-2 interactive controller 18 "omits a part of a character information of a particular extended program when a number of characters in the received character information of the particular extended program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period of the grid." Traversal is appropriate because, while the Lawler *et al.* disclosure describes the interactive controller 18 as performing several differing general functions (e.g., transmitting/receiving info from a head end, delivering analog video signal to the video display 20 and controlling the video display 20 (see, e.g., column 7, lines 15-44)), nowhere does Lawler *et al.* explicitly disclose any type of comparison operation regarding numbers of characters and available character slots in a block space. Further, it is respectfully submitted that a main function/operation of Lawler *et al.*'s interactive controller 18 is to allow user-interaction with the menu (e.g., to select a program to watch).

More specifically, Lawler *et al.*'s system appears to form/store programming info in Lawler *et al.*'s head end 12, e.g., in an electronic program guide data server 34. While Lawler *et al.*'s system does (see, e.g., FIG. 2) appear to display blocks, have partial descriptions within the blocks (e.g., Trailside: Make You...) and an indicator to inform the user that the program's availability extends beyond the displayed time period, Lawler *et al.* never explicitly describes where/how/when these menu items are formed, i.e., maybe they are formed within the head end 12, or may even be received as they are from beyond Lawler *et al.*'s WAN gateway 38. As but one example, certainly, there is no comparator or comparing process disclosed. In

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short, any attempt to characterize where/how/when these menu items are formed would be pure speculation, which is inappropriate/insufficient to support a 103 type rejection.

Regarding the VideoGuide Users Manual reference, such reference is just as equally (if not more-so) vague. More particularly, it is respectfully noted that the VideoGuide Users Manual is nothing more than a stripped down user's manual, with absolutely no disclosure of the detailed inner workings of the VideoGuide system. Again, although the VideoGuide manual does illustrate some types of menu features, there is never explicitly described the where/how/when these menu items are formed, *i.e.*, at best, there is only a "black box" type of disclosure.

Beyond the disclosure of the VideoGuide User's Manual reference, it is known within the art that the *circa* 1995-96 VideoGuide system broadcasted/received television scheduling and other information via radio frequency (RF) transmitters operating using national pager bandwidth. That is textual information regarding a television schedule was "paged" via analog signals to the VideoGuide box, and the VideoGuide box supplied analog signals to the television. The vague (stripped-down) VideoGuide User's Manual does not even teach this much, let alone never explicitly describing where/how/when menu items are formed. Again, as but one example, certainly, there is no comparator or comparing process disclosed. In short, any attempt to characterize where/how/when these menu items are formed would be pure speculation, which is inappropriate/insufficient to support a §103 type rejection.

Alten *et al.* does not cure the major deficiencies mentioned above with respect to the Lawler and VideoGuide User's Manual references.

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Regarding independent Claim 48, which has a fifth (5<sup>TH</sup>) feature/operation beyond the four discussed in Applicant's prior paper, *i.e.*, 5) a particular background information block characteristic (*e.g.*, shape) also is changed for Applicant's extended programs, traversal of the Office Action comments is appropriate. More particularly, Applicant's independent Claim 48 recites "changes a particular background information block characteristic, when the particular background information block of the particular extended program exceeds the prescribed time period of the first prescribed zone in the grid." Office Action comments state, "[t]he capability of moving the JOYSTICK left or right, up or down disclosed in page 12 of VideoGuide User's Manual to change the background information block characteristic as claimed in claim 48." Traversal is appropriate because the Office Action comments appear to miss the point and/or mischaracterize. More particularly, Applicant's background block characteristic is changed when the particular extended program (to which it pertains) "exceeds the prescribed time period of the first prescribed zone in the grid." For example, the block shape is changed responsive to the block exceeding a range of the grid. In contrast, the block in the VideoGuide User's Manual's, at best, is changed responsive to JOYSTICK movement (*i.e.*, not to grid exceeding). Again, none of the applied references discloses or suggests such combination.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support either a §102 anticipation-type rejection or a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of any art rejections, and

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express written allowance of all present replacement claims, are respectfully requested.

#### **EXTENSIVE PROSECUTION NOTED**

Applicant and the undersigned respectfully note the extensive prosecution which has been conducted to-date in the present application, and thus Applicant and the undersigned would gratefully appreciate any consideration or guidance from the Examiner to help move the present application quickly to allowance. It is respectfully noted that the present application was filed in 1999, and already has had 6+ Office Actions on the merits.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600, to discuss an Examiner's Amendments or other suggested action for accelerating prosecution and moving the present application to allowance.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter.

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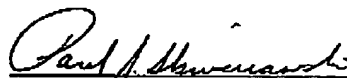
Applicant respectfully reserves all rights to file subsequent related application(s) of any type and directed to any/all limitations/features which have been subsequently amended or cancelled or have not yet been claimed, *i.e.*, Applicant continues (Indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims presently under consideration in the application are now in condition for allowance, and early allowance of such claims is respectfully requested.

Applicant respectfully petitions the Commissioner for an extension under 37 CFR §1.136 of the shortened statutory period for response set by the final Office Action mailed 27 January 2005. A Form PTO-2038 authorizing payment of the Petition fee is attached. Please charge any actual deficiency in fees to ATS&K Deposit Account No. 01-2135 (referencing Case No. 500.35360CX1).

Respectfully submitted,



Paul J. Skwierawski  
Registration No. 32,173  
ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 North Seventeenth Street, Suite 1800  
Arlington, Virginia 22209-3873, USA  
Telephone 703-312-6600  
Facsimile 703-312-6666

Attachment:  
PTO-2038 (Fee Code 1251)